

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 19-cr-20026

v.

Hon. Gershwin A. Drain

D-3 Phanideep Karnati,

Defendant.

**Application for Entry of Amended
Preliminary Order of Forfeiture**

The United States of America, by and through its undersigned attorneys, applies to this Court for entry of an Amended Preliminary Order of Forfeiture in this matter with respect to Defendant Phanideep Karnati, and in support of this Application states the following:

On or about November 30, 2019 the United States and Defendant Phanideep Karnati, by and through his attorney, Anjali Prasad, Esq., (collectively, “the Parties”), submitted a Stipulated Preliminary Order of Forfeiture providing, among other things, that the Parties agreed to Defendant’s forfeiture of the amount of \$11,700, which represents the

total amount of proceeds obtained as a result of Defendant's violation of Count One of the Indictment. The forfeiture of funds to the United States was to be made in lieu of forfeiture of real property located at 10808 Symington Circle, Louisville, Kentucky 40241 ("Symington Circle Property"), titled in the names of Defendant and his wife, Ramya Karnati. The United States had previously identified the Symington Circle Property in its Second and Third Forfeiture Bill of Particulars as subject to criminal forfeiture in the event of Defendant's conviction. ECF 72, 99.

Following discussion of the Parties, and with the Government's consent, Defendant sold the Symington Circle Property and, at the time the Parties submitted their stipulation, a closing date was anticipated in December 2019.

The Parties stipulated that, in lieu of forfeiture of the Symington Circle Property, Defendant shall pay to the United States the amount of \$11,700 out of the proceeds of the sale, the amount representing the total proceeds obtained as a result of Defendant's violation of Count One of the Indictment. The \$11,700 payment ("Substitute Proceeds")

was to be in the form of a Cashier's Check made payable to the **“U.S. Customs and Border Protection.”** Following receipt of the funds, the United States would provide a recordable Discharge of the Notice of Lis Pendens to Defendant's attorney or the title agent handling the closing of the sale of the Symington Circle Property.

The Court entered the Stipulated Preliminary Order of Forfeiture on December 6, 2019, which forfeits to the United States the \$11,700 in sale proceeds (“Forfeited Substitute Proceeds”). ECF 126.

Through a clerical error, the Stipulated Preliminary Order of Forfeiture, at Page 7, ¶ 4, incorrectly identifies the agency authorized to dispose of the Forfeited Substitute Proceeds as the United States Marshals Service, rather than the U.S. Customs and Border Protection.

Pursuant to Fed. R. Crim. P. 36 the Court may at any time, after giving any notice it considers appropriate, correct a clerical error in an order.

Pursuant to Local Rule 7.1, government counsel sent Defendant's attorney, Anjali Prasad, a copy of the proposed Amended Preliminary Order of Forfeiture via email and asked if counsel had any objection.

Ms. Prasad indicated that she had no objection to the entry of an order correcting the above stated clerical error.

Based upon the foregoing, and the record in this case, the United States respectfully requests this Court to enter the proposed Amended Preliminary Order of Forfeiture. The Government will submit the proposed Amended Preliminary Order of Forfeiture to the Court via ECF utilities.

Respectfully submitted,

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s/GJON JUNCAJ
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Dated: February 3, 2020

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2020, the above pleading was electronically filed with the Court via the ECF system, which will send notification of such filing to all ECF filers.

s/GJON JUNCAJ
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